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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,413	02/05/2004	Brian K. Bolstad	BOL-0204 6618	
7590 07/28/2005		EXAMINER		
Anthony G. Eggink Anthony G. Eggink & Associates			HARTMANN, GARY S	
3100 First National Bank Building 332 Minnesota Street Saint Paul, MN 55101			ART UNIT	PAPER NUMBER
			3671	
			DATE MAILED: 07/28/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

					
•	Application No.	Applicant(s)			
Office Action Summer	10/773,413	BOLSTAD, BRIAN K.			
Office Action Summary	Examiner	Art Unit			
	Gary Hartmann	3671			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period of the period for reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 29 A	pril 200 ≰	·			
2a) ☐ This action is FINAL . 2b) ☐ This	action is non-final.				
3) Since this application is in condition for allowa	nce except for formal matters, pro	secution as to the merits is			
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1,3,4,6-9,11,13-15,17,18 and 20-26 is	s/are pending in the application.				
4a) Of the above claim(s) is/are withdra					
5) Claim(s) is/are allowed.					
'6)☐ Claim(s) is/are rejected.	•	.*			
7) Claim(s) is/are objected to.	•	•			
8) Claim(s) <u>1,3,4,6-9,11,13-15,17,18 and 20-26</u> a	are subject to restriction and/or ele	ection requirement.			
Application Papers					
9) The specification is objected to by the Examine	er.				
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).			
11)☐ The oath or declaration is objected to by the Ex	kaminer. Note the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a))-(d) or (f).			
1. Certified copies of the priority document	s have been received				
2.☐ Certified copies of the priority document		ion No.			
3.☐ Copies of the certified copies of the prio	• •				
application from the International Burea	•	· ·			
* See the attached detailed Office action for a list	of the certified copies not receive	ed.			
Amash-sand/al					
Attachment(s) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO.413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Di	ate			
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal F 6) Other:	Patent Application (PTO-152)			
Paper No(s)/Mail Date	0) [

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Application/Control Number: 10/773,413

Art Unit: 3671

DETAILED ACTION

Applicant's amendment filed April 29, 2005 has necessitated the following restriction.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 3, 4, 6-9 and 26, drawn to a stripe layout assembly, classified in class 404, subclass 93.
- II. Claims 11, 13-15, 17 and 21, drawn to a stripe layout assembly, classified in class404, subclass 94.
- III. Claims 18, 20 and 22-25, drawn to a stripe layout assembly, classified in class 404, subclass 93.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I does not require the stationary arm section. The subcombination has separate utility such as a layout assembly for use with an apparatus which is not hand operable, for example.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require

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the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I does not require the horizontal movement. The subcombination has separate utility such as a layout assembly for use with an apparatus which is not hand operable, for example.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II does not require the horizontal and vertical movement. The subcombination has separate utility such as a layout assembly activatable from a location other than the paint striping machine, for example.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Monday through Thursday, 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary Hartmann
Primary Examiner
Art Unit 3671